

REMARKS

Claims 1-35 were under consideration in the application. Claims 1-4, 6-22, and 24-35 have been rejected. Claims 5 and 23 have been objected to. Claims 3-6, 13, 16, 18, 21-24, 27, 28, and 34 are currently amended. Claims 1, 2, 11, 12, 14, 15, 17, 19, 20, 26, 31-33, and 35 are cancelled by this amendment. No new matter is introduced.

The invention relates to a photography system comprising a remote control and a digital camera having a field of view. The digital camera can detect in its field of view the position of the remote control, and select a region from its field of view to photograph based on the detected position of the remote control.

In the Claims

Rejection under 35 U.S.C. § 102, Yanagisawa reference

Claims 1-4, 6-12, 19-22, 24-27, and 33 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yanagisawa (U.S. Pat. No. 5,223,875).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1, 2, 11, 12, 19, 20, 26, and 33 have been canceled, rendering their rejections moot.

Claims 3 and 4 both recite in part

A photography system, comprising:

a remote control; and

a digital camera having a field of view, which digital camera can detect in its field of view the position of the remote control, and which digital camera selects a region from its field of view to photograph based on the detected position of the remote control...

Yanagisawa does not disclose a system that *selects a region from its field of view to photograph based on the detected position of the remote control*.

Yanagisawa discloses a "camera system ... arranged to detect the incoming flight direction of a signal sent from the remote control device, to adjust the facing direction of the camera to the incoming flight direction of the signal" (Yanagisawa abstract). The system of Yanagisawa appears to always take a full-frame photograph

and does not perform any region selection, and therefore does not disclose a system that *selects a region from its field of view to photograph based on the detected position of the remote control*.

In support of the rejection, the examiner notes that the system of Yanagisawa "selects a specific position to move the camera". As defined in Applicant's specification, the camera's field of view is defined by the characteristics of the stationary camera's sensor and lens, and selecting a region from the camera's field of view involves selecting a subarray of pixels from a digital photograph. (Applicant's specification page 5 lines 9-23) Moving a camera is not the same as *select[ing] a region from its field of view to photograph*.

Claims 3 and 4 are not anticipated by Yanagisawa for at least this reason.

Furthermore, claim 3 as amended also recites in part

when a region of the predetermined size cannot be centered on the detected position of the remote control while keeping within the camera's field of view, the digital camera positions the selected region as nearly as possible to centered on the detected position of the remote control while keeping the selected region within the camera's field of view.

Yanagisawa makes no mention of a region that *cannot be centered on the detected position of the remote control while keeping within the camera's field of view*, and also does not disclose that *the digital camera positions the selected region as nearly as possible to centered on the detected position of the remote control while keeping the selected region within the camera's field of view*. Claim 3 is not anticipated by Yanagisawa for this additional reason. In support of the rejection, the examiner cites Figure 7 of Yanagisawa. However Yanagisawa's Figure 7 merely shows a table of codes for signaling the camera positioning device to adjust the composition of a photograph so that the subject of the photograph is centered, shifted to the left, or shifted to the right. (Yanagisawa column 5 lines 27-43 and column 7 line 64 through column 8 line 62) Yanagisawa is not concerned with *keeping the selected region within the camera's field of view* because Yanagisawa does not select a region from the camera's field of view.

Furthermore, claim 4 as amended recites in part that the system

selects the largest region that will fit within its field of view when the selected region is centered on the detected position of the remote control...

Because Yanagisawa always takes a full-frame photograph, Yanagisawa does not make any size selection, and cannot select a *largest region that will fit within its field of view when the selected region is centered on the detected position of the remote control*. Claim 4 is not anticipated by Yanagisawa for at least this additional reason.

Claim 5 as amended is allowable, as indicated by the examiner. Claims 6-10 depend from claims 3, 4, or 5 and add further limitations, and are therefore not anticipated by Yanagisawa for at least this reason.

Claims 21, 22, and 23 are method claims analogous to apparatus claim 3, 4, and 5, and are not anticipated by Yanagisawa for at least the reasons advanced above with regard to claims 3, 4, and 5.

Each of claims 21, 22, and 23 recites in part *automatically selecting, based on the position of the remote control, a region from the camera's field of view to photograph*. This element is not disclosed by Yanagisawa. Claim 21 recites in part *when a region of the predetermined size cannot be centered on the detected position of the remote control while keeping within the camera's field of view, selecting a region from the camera's field of view comprises positioning the selected region as nearly as possible to centered on the detected position of the remote control, while keeping the selected region within the camera's field of view* and claim 22 recites in part *selecting the largest region that can be centered on the detected position of the remote control while fitting within the camera's field of view*. Neither of these elements is disclosed by Yanagisawa.

Because Yanagisawa does not disclose each and every element of claim 21 or 22, these claims are not anticipated by Yanagisawa. Claim 23 as amended is allowable as indicated by the examiner. Claims 24, 25, and 27 depend from claims 21, 22, or 23 and add further limitations, and are not anticipated by Yanagisawa for at least this reason.

Rejections under 35 U.S.C. § 102, Cohodot reference

Claims 1, 13, 14, 19, 31, and 32 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Cohodar (U.S. Pat. No. 5,012,335).

Claims 1, 14, 19, 31, and 32 have been canceled, rendering their rejections moot. Claim 13 has been amended to depend from claim 3, 4, or 5, none of which is anticipated by Cohodar. Claim 13 is not anticipated by Cohodar for at least this reason.

Rejections under 35 U.S.C. § 102, Allen reference

Claims 1, 13, 15-19, 28-30, 34, and 35 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Allen et al. (U.S. Pat. App. Pub. No. 2003/0169339).

Claims 1, 15, 17, 19, and 35 have been canceled, rendering their rejections moot. After the claim amendments, claims 13, 16, and 18 depend from claim 3, 4, or 5, none of which is anticipated by Allen. Claims 13, 16, and 19 are not anticipated by Allen for at least this reason.

After the claim amendments, claims 28-30 and 34 depend from claim 21, 22, or 23, none of which is anticipated by Allen. Claims 28-30 and 34 are not anticipated by Allen for at least this reason.

Double patenting rejection

Claims 6-12 and 24-26 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7-12, 23, 30, and 31 of copending Application No. 10/645,236.

Claims 11, 12, and 26 have been canceled, rendering their rejections moot. Applicant respectfully disagrees that the claims of copending application 10/645,236 are not patentably distinct from claims 6-10, 24, and 25 of the instant application. As but one example of a distinction, each of the claims of application 10/645,236 recites "a remote control that casts a light spot on a photographic subject" and a camera that "can detect in its field of view the position of the light spot", or "detecting, in a field of view of a digital camera, a position of a light spot cast on a photographic subject by a remote control". By contrast, claim 6 of the instant application recites in part a camera that *detects the position of the remote control*. In other words, the system of the instant application detects the *position of the remote control* itself, while the system of application 10/645,236 detects the "position of a light spot cast on a photographic subject by a remote control". In the system of application 10/645,236,

the remote control is not necessarily within the field of view of the camera, and the camera does not and need not know the location of the remote control, but only detects a light spot cast by the remote control on the photographic subject from a distance.

Applicant respectfully requests that the rejection be withdrawn.

Claim objections

The examiner indicates that claims 5 and 23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The requested amendments have been made and Applicant believes these claims to be in condition for allowance.

Conclusion

All outstanding rejections and objections having been addressed, Applicant believes this application to be in condition for allowance, and such action is earnestly solicited.

Respectfully submitted,

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